

MAYOR & COUNCIL AGENDA COVER SHEET

MEETING DATE:

April 16, 2007

CALL TO PODIUM:

David B. Humpton
City Manager

RESPONSIBLE STAFF:**AGENDA ITEM:**

(please check one)

<input checked="" type="checkbox"/>	Presentation
<input type="checkbox"/>	Proclamation/Certificate
<input type="checkbox"/>	Appointment
<input type="checkbox"/>	Public Hearing
<input type="checkbox"/>	Historic District
<input type="checkbox"/>	Consent Item
<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	Resolution
<input type="checkbox"/>	Policy Discussion
<input type="checkbox"/>	Work Session Discussion Item
<input type="checkbox"/>	Other:

PUBLIC HEARING HISTORY:

(Please complete this section if agenda item is a public hearing)

Introduced	
Advertised	
Hearing Date	
Record Held Open	
Policy Discussion	

TITLE:

Guidance on Seeking Opinion From the Maryland Attorney General Regarding the Anti-Solicitation Ordinance

SUPPORTING BACKGROUND:

Recently, John McCarthy, State's Attorney for Montgomery County, informed the City that he had asked a team of lawyers in his office to review the City's anti-solicitation ordinance (Sec. 15-9). It was the consensus of that team of lawyers that the ordinance as written would not withstand constitutional challenge. Based on that consensus, Mr. McCarthy has stated that his office will not prosecute citations written under the ordinance. However, Mr. McCarthy indicated that he would be open to reconsidering his position against prosecuting the ordinance if the Attorney General's office issued a favorable opinion on the ordinance.

I advised Mr. McCarthy by e-mail on April 11, 2007, that this evening I would be briefing the Council on his position, and seeking guidance from the Council on whether to move forward with requesting an Attorney General's opinion.

It makes no sense for the City police department to even attempt to enforce the ordinance until the State's Attorney's Office is willing to prosecute these cases.

DESIRED OUTCOME:

Provide staff guidance.